



6-17-05

308,691

IFW/mag  
1744

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ingram S. Chodorow, et al.  
Serial No. : 09/583,626  
Filed : May 31, 2000  
Title : AUTOMATIC PRESSURE RELEASE TOOTHBRUSH I  
Law Office : 105  
Examiner : Mark Spisich, Esq.

Express Mail Mailing Label #	ER 843 203 665 US
Date of Deposit:	June 15, 2005
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3811.	
Name:	J. David Danow
Signature:	

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT BASED ON  
APPLICANT'S FAILURE TO RECEIVE ORIGINAL NOTICE OF NON-  
COMPLIANCE AMENDMENT

June 15, 2005

Commissioner for Patents  
P.O. Box 1450  
Washington, DC 22313-1450

SIR:

Applicants filed a Status Inquiry on May 24, 2005, and subsequently received a telephone call from Examiner M. Spisich stating that the above-identified application was to be abandoned because no response was received by the Office in response to a Notice of Non-Compliant Amendment dated January 17, 2005, having a final and non-extendible response date of February 17, 2005.

According to all available relevant records in this office, the office of Applicants' undersigned counsel never received said January 17, 2005 Notice of Non-Compliant Amendment and, as discussed below, Applicants hereby petition the

06/20/2005 BABRAHAI 00000058 09583626

01 FC:1464

130.00 DP

BEST AVAILABLE COPY

Commissioner to withdraw any holding of abandonment, or to refrain from issuing such a holding of abandonment. If this letter is deemed to be a Petition counsel has attached a check for \$130.00 to cover such petition fee.

Discussion

1. Applicants filed an Amendment dated December 30, 2004 responding to the Office Action of July 30, 2004. A post card acknowledgment of receipt by the Office of this Amendment was received (see copy in attached Appendix A).

2. Absent receipt of any further communication on this matter from the Office, counsel filed a Status Inquiry dated May 24, 2005 (see copy in attached Appendix B).

3. On or about June 12, 2005, Applicants' counsel received a phone call from Examiner Mark Spisich with a report of pending abandonment for failure to respond to Notice of Non-Compliant Amendment dated January 14, 2005. Mr. Spisich then sent a copy of said Notice by fax to counsel which has been received on June 13, 2004 (see copy in attached Appendix C).

4. Counsel has investigated the incoming mail and docketing procedures of this law firm, with the following conclusions.

(a) According to the mailroom and docketing procedures of this firm, every piece of U.S. Patent Office correspondence is directed from the mailroom's chief clerk to the Docketing Department.

(b) There is a full time, three-person patent docketing staff, all using and fully familiar with the Computer Packaging, Inc. ("C.P.I.") docketing software, the head of this department being Mrs. Margaret Pugliese.

5. At the request of counsel, Mrs. Margaret Pugliese, has prepared the C.P.I. reports (see attached Appendices D and E) and her affidavit (see attached Appendix F), as to the fact that the C.P.I. records are established and maintained daily, that these C.P.I. reports are correct and accurate to the best of her knowledge, and that there is no evidence in the C.P.I. records of said Notice of Non-Compliant Amendment.

6. The first C.P.I. report in Appendix D is the complete C.P.I. report for all relevant events and dates for the S.N. 9/583,626 case. In Appendix D relevant items (a) – (g) are marked, and are described below.

(a) in regard to Office Action of July 30, 2004 (for which a 3-month response would be due October 30, 2004) a reminder that on September 30, 2004 the Response will be due in one month (namely by October 30, 2004).

- (b) October 30, 2004 response due,
- (c) November 30, 2004 response due with 1st Extension
- (d) December 30, 2004 response due with 2<sup>nd</sup> Extension
- (e) December 30, 2004 Response Mailed
- (f) January 11, 2005 Post Card Received
- (g) May 24, 2005 Status Inquiry Mailed to PTO

As evident in Appendix D the C.P.I. record has no entry corresponding to the Notice of Non-Compliant Amendment dated January 17, 2005 and no corresponding due date of February 17, 2005.

7. The C.P.I. report in Appendix E shows that for February 15, 2005 as a due date there were eight entries, none pertaining to S.N. 09/583,626.

8. After reviewing the file of S.N. 09/583,626 and reviewing all available docketing records, it is our conclusion that the Notice of Non-Compliant Amendment dated January 14, 2005 was never received in this office. It is therefore respectfully requested either (a) that a substitute Notice of Non-Compliant Amendment be issued with a new response date, or (b) that the existing Notice of Non-Compliant Amendment be deemed to have a mail date of June 13, 2005 which is the actual date it was sent by fax and received.

9. The undersigned counsel submits his affidavit (Appendix G) in support of this petition.


10. In Applicants' efforts to be fully responsive to the Notice of Non-Compliant Amendment, a Response to Notice of Non-Compliant Amendment is attached hereto as Appendix H.

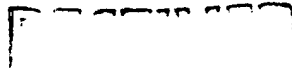
11. In connection with our enclosed payment, please charge any additional sum required or credit any overpayment to Deposit Account No. 01-0035 of the undersigned counsel. If any additional extension of time is required, please consider this as a petition for same and please charge the required fee to said deposit account. A duplicate copy of this letter is enclosed.

If there are any questions, please contact the undersigned counsel for  
applicant.

Respectfully submitted,  
ABELMAN, FRAYNE & SCHWAB

Dated: 6-15-05

  
\_\_\_\_\_  
J. David Dainow  
Registration No. 22,959  
666 Third Avenue, 10<sup>th</sup> Floor  
New York, NY 10017-5621  
TEL.: (212) 949-9022  
FAX: (212) 949-9190  
E-MAIL: [jdainow@lawabel.com](mailto:jdainow@lawabel.com)



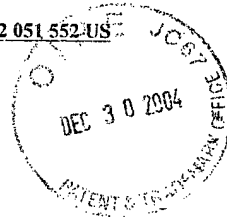
JAN 11 2005

~~AMENDMENT, PETITION & JDD/DC~~

22

The stamp of the Patent/Trademark/  
Copyright Office Mail Room hereon  
acknowledges the receipt of the below-  
identified documents on the date indicated  
by such stamp.

Applicants: Ingram S. Chodorow &  
Zubair Mirza  
Serial No.: 09/583,626  
Filed: May 31, 2000  
For: AUTOMATIC PRESSURE  
RELEASE TOOTHBRUSH  
Control No.: 308.691  
  
Doc. Type: PETITION FOR EXTENSION  
OF TIME (2 pages)  
AMENDMENT (19 pages)  
Check for \$225.00 (1 sheet)  
Postcard Receipt (1 sheet)  
  
Initials: JDD/dc  
Date Mailed: December 30, 2004  
Check No. 16901  
Express Mail No.: ER 842 051 552 US





AFS 308,691

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT : Placontrol, Inc.  
SERIAL NUMBER : 09/583,626  
FILED : May 31, 2000  
FOR : AUTOMATIC PRESSURE RELEASE TOOTHBRUSH I  
EXAMINER : Not Yet Assigned  
ART UNIT : Not Yet Assigned

<b>Express Mail Label: ER 843 203 311 US</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope, with sufficient postage, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date which appears below:	
Name:	J. David Dainow
Signature:	<i>[Signature]</i>
Date:	May 24, 2005

May 24, 2005

**STATUS INQUIRY**

Commissioner for Patents  
and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

Applicant respectfully inquires as to the status of the above identified application and would appreciate receiving information as to when the initial or next office action will be issued in this application.

Respectfully submitted,  
ABELMAN, FRAYNE & SCHWAB

J. David Dainow  
Registration No. 22,959  
666 Third Avenue  
New York, NY 10017-5621  
Tel.: (212) 949-9022  
Fax : (212) 929-9190  
[jdainow@lawabel.com](mailto:jdainow@lawabel.com)

Letter mailed 6/17/2005



UNITED STATES PATENT AND TRADEMARK OFFICE



09/083626

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 12/30/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
- ☐ B. New paragraph(s) should not be underlined.
- ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet 37 CFR 1.72.
- ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
- ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
- ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
- ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
- ☒ E. Other: Claims 13, 25 should read Currently Amended.

3 also there's no markings to show changes.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/procnotice/officeflyer.pdf>.

If the non-compliant amendment is a PRELIMINARY AMENDMENT, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a NON-FINAL OFFICE ACTION (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

If the amendment is a reply to a FINAL REJECTION, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Maureen Lawrence  
Legal Instruments Examiner (LIE)

(571) 618-1025  
Telephone No.



**RECEIVED****JUN 13 2005****ABELMAN, FRAYNE & SCHWAB**

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
 United States Patent and Trademark Office  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
 www.uspto.gov

# Fax Cover Sheet

Date: 13 Jun 2005

To: JERRY DAINOW	From: Mark Spisich
Application/Control Number: 09/583,626	Art Unit: 1744
Fax No.: 212-885-9166 949-9180	Phone No.: (571) 272-1278
Voice No.: 212-949-9022	Return Fax No.: (703) 872-9306
Re: copy of 1/14/2005 letter	CC:
<input type="checkbox"/> Urgent <input type="checkbox"/> For Review <input type="checkbox"/> For Comment <input type="checkbox"/> For Reply <input checked="" type="checkbox"/> Per Your Request	

## Comments:

MR Dainow,  
 Courtesy copy of letter mailed 1/14/2005. Also, you may want to refer to MPEP 711.03 for the procedure for withdrawing the holding of ABN (when it is asserted that the prior paper was not received). The response should (1) include a listing of the claims which complies with the letter of 1/14; and (2) include papers to petition to withdraw the holding of abandonment (even though the appl has not been officially abandoned yet). Good luck.  
 Mark Spisich, 571 272 1278.

Number of pages 2 including this page

**STATEMENT OF CONFIDENTIALITY**

This facsimile transmission is an Official U.S. Government document which may contain information which is privileged and confidential. It is intended only for use of the recipient named above. If you are not the intended recipient, any dissemination, distribution or copying of this document is strictly prohibited. If this document is received in error, you are requested to immediately notify the sender at the above indicated telephone number and return the entire document in an envelope addressed to:

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

# Country Application

Monday, June 13, 2005

Page: 1

Docket No.: 308,691

Country: US

SubCase:

Client: PLACONTROL INC.

United States of America

Case Type: ORD

Application Status: Pending

Application Number: 09/583,626

Filing Date: 31-May-2000

Publication Number:

Publication Date:

Patent Number:

Issue Date:

Parent/PCT Number:

Parent/PCT Date :

Parent Issue Number:

Parent Issue Date :

Tax Schedule: SE

Expiration Date:

Confirmation #:

Patent Term Adjustment: 0

Agent: US01

Agent Reference #:

COMMISSIONER FOR PATENTS



## Family Reference:

Remarks: Amster Priority Date: 09/17/1999

Amster Priority Number: 60/154,418

**List Of Actions**

<b>Action(s) Due</b>	<b>Due Date</b>		<b>Action Taken</b>
Information Disclosure Stmtnt	31-Aug-2000	Due Date	31-Aug-2000
Application Status Check	30-Nov-2000	Reminder	30-Nov-2000
2 Wks. To Office Action	26-Oct-2002	Due Date	08-Nov-2002
1 Month Office Action Due	11-Nov-2002	Due Date	08-Nov-2002
1st Extension to O.A.	11-Dec-2002	Due Date	09-Dec-2002
2nd Extension to O. A.	11-Jan-2003	Due Date	08-Jan-2003
3rd Extension to O. A.	11-Feb-2003	Due Date	08-Jan-2003
4th Extension to O. A.	11-Mar-2003	Due Date	08-Jan-2003
2 Weeks To Final Date	26-Mar-2003	Reminder	08-Jan-2003
5th Extension Final Date	11-Apr-2003	Final	08-Jan-2003
Response to O.A. Due in 1 Mo.	20-May-2003	Reminder	20-May-2003
Response to 3 Mo. O.A. Due	20-Jun-2003	Due Date	20-Jun-2003
STATUS CK	08-Jul-2003	Due Date	20-Mar-2003
1st Ext.-Response to O.A. Due	20-Jul-2003	Due Date	20-Jul-2003
2nd Ext.-Response to O.A. Due	20-Aug-2003	Due Date	19-Aug-2003
3rd Ext. to O.A. Due in 2 Wks	04-Sep-2003	Reminder	19-Aug-2003
3rd Ext.-Resp. to OA (DROP)	20-Sep-2003	Final	19-Aug-2003
Amendment Due (R.116) in 1 Mo.	07-Jan-2004	Reminder	07-Jan-2004
Notice of Appeal Due in 1 Mo.	07-Jan-2004	Reminder	07-Jan-2004
Amendment(R.116) Due-3 Mo Date	07-Feb-2004	Due Date	07-Feb-2004
Notice of Appeal Due-3 Mo Date	07-Feb-2004	Due Date	07-Feb-2004
STATUS CHECK	19-Feb-2004	Reminder	07-Nov-2003
1st Ext.-Notice of Appeal Due	07-Mar-2004	Due Date	07-Mar-2004
1st Ext-Amendment Due (R.116)	07-Mar-2004	Due Date	07-Mar-2004
2nd Ext.-Notice of Appeal Due	07-Apr-2004	Due Date	07-Apr-2004
2nd Ext-Amendment Due (R.116)	07-Apr-2004	Due Date	07-Apr-2004
3rd Ext.-NOA Due in 2 Weeks	22-Apr-2004	Reminder	22-Apr-2004
3rd Ext-Amend(R.116) Due 2 Wks	22-Apr-2004	Reminder	02-Apr-2004
3rd Ex.-Notice of Appeal(DROP)	07-May-2004	Final	07-May-2004
3rd Ext-Amend (R.116) (DROP))	07-May-2004	Final	02-Apr-2004
STATUS CHECK Follow Up Date	10-May-2004	Due Date	10-May-2004

## Country Application

Monday, June 13, 2005

Page: 3

	FILE STMT OF INTERVIEW	10-Jun-2004	Due Date	18-May-2004
(a)	Response to O.A. Due in 1 Mo.	30-Sep-2004	Reminder	30-Sep-2004
(b)	Response to 3 Mo. O.A. Due	30-Oct-2004	Due Date	30-Oct-2004
	STATUS CHECK	07-Nov-2004	Reminder	30-Jul-2004
	FILE STMT OF IN Follow Up Date	18-Nov-2004	Due Date	18-May-2004
(c)	1st Ext.-Response to O.A. Due	30-Nov-2004	Due Date	30-Nov-2004
(d)	2nd Ext.-Response to O.A. Due	30-Dec-2004	Due Date	30-Dec-2004
(e)	3rd Ext. to O.A. Due in 2 Wks	14-Jan-2005	Reminder	30-Dec-2004
	3rd Ext.-Resp. to OA (DROP)	30-Jan-2005	Final	30-Dec-2004
(f)	Postcard - AMD	30-Jan-2005	Due Date	11-Jan-2005
(g)	Status Inquiry	24-May-2005	Due Date	
	Post Card Check (status)	25-Jun-2005	Due Date	

User ID: margaret

Date Created: 01-Nov-2002

Last Update: 13-Jan-2005



## Invention Data

Monday, June 13, 2005

Page: 1

Docket No.: 308,691

Client: PLAC

PLACONTROL INC.

Client Reference #: PLAC-67900/0039

Disclosure Status: Filed

Disclosure Date:

Assignee: PLAC

PLACONTROL, INC.

Attorney(s): JDD

Title: AUTOMATIC PRESSURE RELEASE TOOTHBRUSH I

Priority Country:

Priority Number:

Priority Date:

### Inventors:

CHODOROW, INGRAM S.

MIRZA, ZUBAIR

### Country Applications:

Ctry	Sub Case	Case Type	Status	Application Number	Filing Date	Patent Number	Issue Date
US		ORD	Pending	09/583,626	31-May-2000		

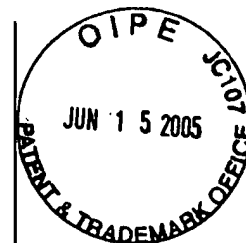
User ID: steve

Date Created: 01-Nov-2002

Last Update: 13-Dec-2004

17-Jan-2005 To 17-Feb-2005

Due Date Indicator	Action Due Action Type	Docket No./SubCase Country	Status Client	App Number Pat Number	App Date Iss Date	Attys
16-Feb-2005 Due Date	Reply to Gen. Status Inquiry	206,182 United States of America	Pending Saudi Arabian Oil Company	[REDACTED]	[REDACTED]	[REDACTED]
<i>Client Reference No.: 66</i>						
<i>Title: AXIAL CURRENT METER FOR IN-SITU CONTINUOUS MONITORING OF CORROSION AND CATHODIC PROTECTION CURRENT</i>						
<i>Inventors: Catte,Darrell R; Al-Mahrous, Husain M.</i>						
16-Feb-2005 Due Date	Response Due US-Missing Parts	206,645 United States of America	Pending PIPERS CENTRAL	[REDACTED]	[REDACTED]	[REDACTED]
<i>Client Reference No.: H/DH/12-2226US</i>						
<i>Title: CONTROL OF BIOLOGICAL FUNCTION</i>						
<i>Inventors: CORNISH, Brian; Phillip Oakley, Andrew</i>						
16-Feb-2005 Due Date	FILING REPORT FROM N&G?	206,793 European Patent Convention	Published Aqua Products, Inc.	[REDACTED]	[REDACTED]	[REDACTED]
<i>Title: SUBMERSIBLE POOL CLEANER WITH INTEGRAL RECHARGEABLE BATTERY</i>						
<i>Inventors: Porat, Joseph; Fridman, Igor</i>						
16-Feb-2005 Due Date	Ltr Re: Filing Rpt	206,843 United States of America	Unfiled Lee & Park	[REDACTED]	[REDACTED]	[REDACTED]
<i>Client Reference No.: PUS-E234/HIY</i>						
<i>Title: PROCESS FOR PREPARING FINE METAL OXIDE PARTICLES</i>						
<i>Inventors: Myeong, Wan-Jae; Baik, Jin-Soo; Park, Se-Woong; Chung, Chang-Mo; Song, Kyu-Ho</i>						
17-Feb-2005 Due Date	PCT 29 MO REMINDER	206,142 Patent Cooperation Treaty	Published Saudi Arabian Oil Company	[REDACTED]	[REDACTED]	[REDACTED]
<i>Client Reference No.: (57)</i>						
<i>Title: FIRE SAFETY FUSIBLE LINK ELECTRICAL TERMINAL BLOCK</i>						
<i>Inventors: Flanders, Patrick S.</i>						



Page: 33

### Due Date List By Date

17-Jan-2005 To 17-Feb-2005

<b>Due Date Indicator</b>	<b>Action Due Action Type</b>	<b>Docket No./SubCase Country</b>	<b>Status Client</b>	<b>App Number Pat Number</b>	<b>App Date Iss Date</b>	<b>Attys</b>
<b>17-Feb-2005</b> Due Date	PCT 28 MO REMINDER	206,300 Patent Cooperation Treaty	Published J. LAMB, INC.	[REDACTED]	[REDACTED]	[REDACTED]
<i>Title:</i> WATERPROOF BEDDING						
<i>Inventors:</i> Strongwater, Bruce						
<b>17-Feb-2005</b> Due Date	PCT 28 MO REMINDER	206,309 Patent Cooperation Treaty	Published Aqua Products, Inc.	[REDACTED]	[REDACTED]	[REDACTED]
<i>Title:</i> CLEANER WITH HIGH PRESSURE CLEANING JETS						
<i>Inventors:</i> Erlich, Giora; Horvath, Tibor						
<b>17-Feb-2005</b> Due Date	9 Mo Reminder on FF	206,327 United States of America	Pending Notarbartolo & Gervasi	[REDACTED]	[REDACTED]	[REDACTED]
<i>Client Reference No.: 279SPTUS AG/dz</i>						
<i>Title:</i> ALOE-EMODIN DERIVATIVES AND THEIR USE IN THE TREATMENT OF NEOPLASTIC PATHOLOGIES						
<i>Inventors:</i> Zagotto, Giuseppe; Pecere, Teresa; Carli, Modesto; Palu, Giorgio						
<b>17-Feb-2005</b> Final	Convention Ends	206,667 United States of America	Pending BBS, INC.	[REDACTED]	[REDACTED]	[REDACTED]
<i>Title:</i> CLIP-ON ACCESSORY FOR CARRYING CASE						
<i>Inventors:</i> Sadow, Brian D.						
<b>17-Feb-2005</b> Due Date	Ltr Re: Filing Recpt	206,798 United States of America	Pending SUGIMURA INTERNATIONAL PATENT & TRADEMARK AGENCY B	[REDACTED]	[REDACTED]	[REDACTED]
<i>Title:</i> CONNECTOR						
<i>Inventors:</i> SUZUKI, Masayuki						

Page: 34

17-Jan-2005 To 17-Feb-2005

[illegible]

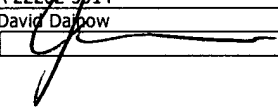




308,691

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ingram S. Chodorow, et al.  
Serial No. : 09/583,626  
Filed : May 31, 2000  
Title : AUTOMATIC PRESSURE RELEASE TOOTHBRUSH I  
Law Office : 105  
Examiner : Mark Spisich, Esq.

Express Mail Mailing Label #	ER 843 203 665 US
Date of Deposit:	June 15, 2005
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514	
Name:	J. David Dapow
Signature:	

AFFIDAVIT OF MARGARET PUGLIESE IN SUPPORT OF PETITION TO  
WITHDRAW HOLDING OF ABANDONMENT

Margaret Pugliese, being duly sworn, does hereby depose and say as follows:

1. That she is a United States citizen residing in Fairfield, Connecticut.
2. That she is employed as Head of the Patent Docketing Department of the law firm of Abelman, Frayne & Schwab for the past four years, and that she has been a patent law firm docketing clerk and/or manager for the past eighteen years at a prior patent law firm.
3. That in the capacity as docket clerk and docket manager, she is fully familiar with U.S. Patent Office prosecution procedure, and with the Computer Packaging, Inc. ("C.P.I.") patent docketing system used at Abelman, Frayne & Schwab.

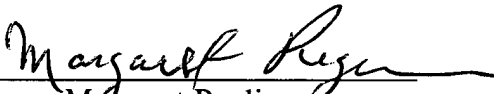
4. That as part of her current job responsibilities at Abelman, Frayne & Schwab, her department daily receives all the Patent Office correspondence received via the Mailroom personnel, examines same, obtains relevant files and logs in relevant data identifying the current action and the subsequent due dates and reminders.

5. That at the request of Mr. J. David Dainow, the attorney in charge of S.N. 09/583,626, she examined the C.P.I. record for this case, and produced the C.P.I. record, now Appendix D, which shows that no Patent Office correspondence for this case was received following the postcard receipt dated January 11, 2005.

6. That she produced an additional C.P.I. report, seen in Appendix E, which lists all due dates for patent matters in this firm for February 17, 2005. This report shows dates for five other patent matters, and none for the S.N. 09/583,626, which shows that the C.P.I. system was in normal operation on that day.

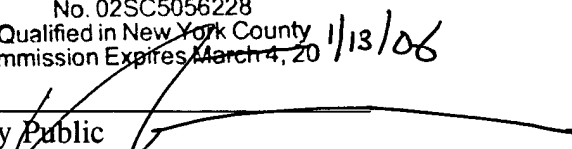
7. That she concludes the subject Notice was not received by her department and she believes, not received in the office this law firm.

Dated: 6/14/05

  
Margaret Pugliese

Subscribed and sworn to before me,

This 14<sup>th</sup> day of June, 2005  
Notary Public, State of New York  
No. 02SC5056228  
Qualified in New York County  
Commission Expires March 4, 2013

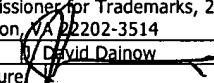
Notary Public 

Expires: \_\_\_\_\_



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ingram S. Chodorow, et al.  
Serial No. : 09/583,626  
Filed : May 31, 2000  
Title : AUTOMATIC PRESSURE RELEASE TOOTHBRUSH I  
Law Office : 105  
Examiner : Mark Spisich, Esq.

Express Mail Mailing Label #	ER 843 203 665 US
Date of Deposit:	June 15, 2005
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514	
Name:	J. David Dainow
Signature	

AFFIDAVIT OF J. DAVID DAINOW IN SUPPORT OF PETITION TO  
WITHDRAW HOLDING OF ABANDONMENT

J. David Dainow, being duly sworn, does hereby depose and say as follows:

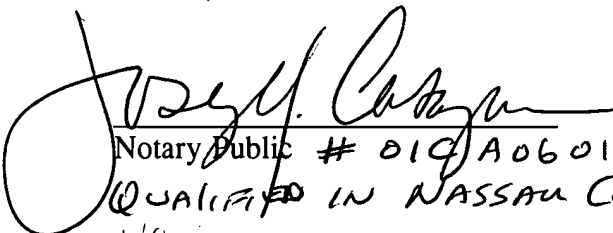
1. That he is a United States citizen residing in New York, New York.
2. That he is employed as an attorney in the law firm of Abelman, Frayne & Schwab and is in charge of the prosecution of the above-referenced application.
3. That he is fully familiar with the subject application, that he has made a diligent and thorough examination of the relevant file, of the mail department and docketing department procedures, and of the Computer Packaging, Inc. ("C.P.I.") patent docketing records, and that he has conferred with the heads of the mailroom and docketing departments.

4. That he concludes from his investigation that the Notice of Non-Compliant Amendment dated January 17, 2005 was not received in the office of this firm, apparently due to a failure of the U.S. Post Office to make such delivery.

Dated: 6-14-05

  
J. David Dainow, Esq.

Subscribed and sworn to before me,  
This 14 day of June, 2005

  
Notary Public # 019A0601855

QUALIFIED IN NASSAU COUNTY, New York

Expires: MAY 31, 2007





308,691

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT : Ingram S. Chodorow, et al.  
SERIAL NUMBER : 09/583,626  
FILED : May 31, 2000  
FOR : AUTOMATIC PRESSURE RELEASE TOOTHBRUSH I  
EXAMINER : Mark Spisich, Esq.  
LAW OFFICE : 105

"Express Mail" mailing label No.	ER 843 203 665 US
Date of Deposit:	June 15, 2005
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Name:	J. David Dainow
Signature:	

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT  
DATED JANUARY 17, 2005**

Commissioner for Patents  
P.O. Box 1450  
Washington, DC 22313-1450

SIR:

This responds to the Notice of Non-Compliant Amendment dated January 17, 2005. Please enter the Replacement Amendment in Response to the July 30, 2004 Office Action, attached hereto as Appendix A.

Remarks

The above-noted Notice of Non-Compliant Amendment states that in the Listing of Claims, Claims 7 and 25 fail to read "currently amended" and the marked Listing of Claims fail to show the amendments to these claims. This has been corrected in the Replacement Amendment in Response to the July 30, 2004 Office Action attached hereto as Appendix A. More specifically, in the Listing of Claims, Claims 7 and 25 are marked "Currently Amended" and in the Marked Listing of Claims, Claims 7 and 25 are presented with appropriate marking to show the amendments thereto.

In view of this submittal of a Replacement Amendment, it is believed that the objection stated in the Notice of Non-Compliant Amendment have been overcome.

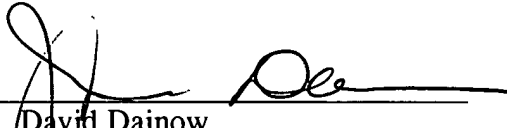
If there are any questions, please contact the undersigned counsel for applicants.

Respectfully submitted,

ABELMAN, FRAYNE & SCHWAB

Dated: New York, New York  
June 14, 2005

By: \_\_\_\_\_

  
J. David Dainow  
Registration No. 22,959  
666 Third Avenue, 10<sup>th</sup> Floor  
New York, NY 10017-5621  
Tel.: (212) 949-9022  
Fax: (212) 949-9190  
[jdainow@lawabel.com](mailto:jdainow@lawabel.com)



308,691

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/583,626  
Applicant : Ingram S. Chodorow & Zubair Mirza  
Filed : May 31, 2000  
Title : AUTOMATIC PRESSURE RELEASE  
TOOTHBRUSH  
Examiner : SPISICH, MARK  
Docket No. : 67900/39

"Express Mail" mailing label #	ER 843 203 651 US
Date of Deposit:	June 14, 2005
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Name:	J. David Dainow
Signature:	

REPLACEMENT  
AMENDMENT IN RESPONSE TO THE JULY 30, 2004 OFFICE ACTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22323-1450

Sir:

This amendment is submitted in response to the Office Action of July 30, 2004 in the above indicated-patent application. A petition for a two-month extension of time to respond is attached hereto. Please enter the amendments listed below.

Amendments to the Claims are reflected in the Listing of Claims which begins on page 3 of this paper.

Remarks/Arguments begin on page 9 of this paper.

Amendments to the Claims:

The Listing of Claims below will replace all prior versions and listings of claims in the application. Attached at the end of this response is Appendix A with a similar listing of the claims showing amendments, changes and additions incorporated into the current Listing of Claims:

Listing of Claims:

Claims 1-6 (cancel)

Claim 7 (currently amended): A toothbrush according to claim 31 wherein said predetermined threshold level of force in the range of about two to twelve ounces.

Claim 8 (original): A toothbrush according to claim 7 wherein said predetermined threshold level of force is about six ounces.

Claim 9 (cancel)

Claim 10 (withdrawn): A toothbrush according to claim 9 wherein said hinge further comprises at least one connecting element coupling said handle and said head.

Claim 11 (withdrawn): A toothbrush according to claim 9 wherein said spring element is a bi-stable spring having a separate first and second positions corresponding respectively to said first and second orientations of said head with respect to said handle, said bi-stable spring, when said force exceeding said threshold is applied to said head, snaps said head to said second orientation and maintains said head at said second orientation until said head is manually pushed forward until said spring snaps said head back to said first orientation.

Claim 12 (withdrawn): A toothbrush according to claim 11 wherein said threshold level of force is substantially the same for causing said bi-stable spring to snap from its first position to its second position and for causing said bi-stable spring to snap from its second position to its first position.

Claim 13 (withdrawn): A toothbrush according to claim 1 wherein said



handle and head comprise a single continuous molded product.

Claims 14-18 (cancel)

Claim 19 (withdrawn): A toothbrush according to claim 9 wherein said hinge comprises a pre-stressed bi-stable spring having two alternative shapes, said spring in its prestressed state being generally stiff and tending to stay in such state until a force exceeding a predetermined threshold level is applied to said spring which causes it to snap to its other shape, said spring coupled to said head and to said handle, whereby said head automatically pivots to its second orientation when a force exceeding said threshold level force is applied thereto.

Claim 20 (withdrawn): A toothbrush according to claim 19 wherein said head automatically returns to its first orientation when a force exceeding said threshold force is applied to said head in said first direction.

Claim 21 (withdrawn): A toothbrush according to claim 20 wherein said handle has a central longitudinal axis, and said bi-stable spring comprises a central strip generally parallel to said handle axis and two tension strips adjacent and generally parallel to said central strip, said central strip being resilient and in compression and having a bow configuration.

Claim 22 (withdrawn): A toothbrush according to claim 20 wherein each of said tension strips is bendable in the general area of their connection to said head.

Claim 23 (withdrawn): A toothbrush according to claim 19 wherein said hinge comprises a bi-stable spring formed as an elongated resilient dish-shaped element having a generally concave configuration and a pair of tension strips adjacent and generally parallel to said spring element, said spring element being in compression with its distal end rigidly extending from said head.

Claim 24 (withdrawn): A toothbrush according to claim 23 wherein each of said tension strips is bendable in the general area of its connection to said head.

Claim 25 (currently amended): A toothbrush according to claim 31 wherein said hinge comprises a yoke at said distal end of said handle, a tongue at said proximal end of said head, a pivot axis extending through said yoke and

tongue, whereby said head is movable between two angular positions, said hinge further comprising restraining means releasably restraining said tongue in at least one of said positions relative to said yoke.

Claim 26 (withdrawn): A toothbrush comprising a handle, a head with bristles and a neck interconnecting said handle and said head in a predetermined first angular relationship, said head being bendable relative to said handle about a bend axis in said neck, said neck having a predetermined stiffness wherein said neck resists bending of said head relative to said handle, said neck being bendable about said bend axis to a second angular relationship different from said first angular relationship and back again when a force is applied to said head that overcomes said stiffness of said neck.

Claims 27-30 (cancel)

Claim 31 (new): A motorless toothbrush comprising:

a- a handle part having proximal and distal ends and a longitudinal axis therebetween,

b- a head part having proximal and distal ends, a longitudinal axis therebetween and a set of bristles at said distal end, said bristles having exposed tip ends extending in a frontward direction,

c- a hinge connecting said distal end of said handle part to said proximal end of said head part,

said head part having a first orientation with respect to said handle part for toothbrush to be used in a normal state with said bristles extending generally transversely of the longitudinal axis of said head part,

said hinge including catch means for releasably holding said head part in said first orientation,

said catch means adapted to release said head part on application of a force exceeding a predetermined threshold level in a rearward direction onto said tip ends of said bristles and transferred to said head part, at which time said released head part can flop freely in various orientations different from said first orientation.

Claim 32 (new). A toothbrush according to claim 31 wherein said released head part is manually movable back to said first orientation, at which time said catch means will automatically engage and releasably hold said head part in said first orientation.

Claim 33 (new). A toothbrush according to claim 32 wherein said catch means comprises a spring-biased detent on one of said handle and head parts and a recess into which said spring-biased detent extends in the other of said handle and head parts.

Claim 34. (new) A toothbrush according to Claim 31 wherein said head part is connected to said handle part only by said hinge.

Claim 35 (new): A motorless toothbrush comprising:

a- a handle part having proximal and distal ends and a longitudinal axis therebetween,

b- a head part having proximal and distal ends, a longitudinal axis therebetween and a set of bristles at said distal end, said bristles having exposed tip ends extending in a frontward direction,

c- a hinge connecting said distal end of said handle part to said proximal end of said head part, with said head part connected to said handle part only by said hinge,

said head part having a first orientation with respect to said handle part for use as a normal toothbrush with said bristles extending generally transversely of the longitudinal axis of said head part, and a second orientation angled rearward from said first orientation,

said hinge comprising a bi-stable spring element having first and second conditions causing said head part to flip between said first and second orientations respectively;

said bi-stable spring element adapted to urge said head part to move to and remain in one or the other of said two orientations, said bi-stable spring element flipping from said first condition to said second condition upon application of a force (i) exceeding a predetermined threshold level in a rearward

direction onto said tip ends of said bristles and (ii) transferred to said head part, at which time said head part is biased by spring means to flip to and remain in said second orientation.

Claim 36. (new) A toothbrush according to Claim 35 where said second orientation is angled at least 10 degrees rearward from said first orientation.

Claim 37. (new) A toothbrush according to Claim 35 wherein said head part is manually movable from said second orientation, upon application of a force exceeding a predetermined threshold level to said head part in said forward direction to said first orientation, at which time said head part would be biased by said spring element to flip to and remain in said first orientation.

Claim 38 (new): A method of reducing the risk of damaging tooth enamel and/or gums from brushing of a person's teeth with a toothbrush, comprising:

a- providing a motorless toothbrush including a handle part having proximal and distal ends and a longitudinal axis therebetween, and a head part having proximal and distal ends, a longitudinal axis therebetween and a set of bristles at said distal end and extending generally transversely of the longitudinal axis of said head part, said bristles having exposed tip ends extending in a frontward direction,

b- providing a hinge connecting said distal end of said handle part to said proximal end of said head part,

said head part having a first orientation with respect to said handle part for said toothbrush to be used in a normal state with said bristles extending generally transversely of the longitudinal axis of said head part,

c- providing on said hinge a catch means for releasably holding said head part in said first orientation, and

d- configuring said hinge such that upon application of a force (i) exceeding a predetermined threshold level in a rearward direction onto said tip ends of said bristles and (ii) transferred to said head part, said catch means will release said head part to flop freely in various orientations different from said first orientation.

Claim 39 (new): A method of teaching a person how to avoid applying pressure of an unsafe magnitude to teeth and/or gums while brushing his/her teeth with a toothbrush, comprising:

a- providing a motorless toothbrush including a handle part having proximal and distal ends and a longitudinal axis therebetween, and a head part having proximal and distal ends, a longitudinal axis therebetween and a set of bristles at said distal end and extending generally transversely of the longitudinal axis of said head part, said bristles having exposed tip ends extending in a frontward direction,

b- providing a hinge connecting said distal end of said handle part to said proximal end of said head part,

said head part having a first orientation with respect to said handle part for toothbrush to be used in a normal state with said bristles extending generally transversely of the longitudinal axis of said head part,

c- providing on said hinge a catch means for releasably holding said head part in said first orientation, and

d- configuring said hinge such that upon application of a force (i) exceeding a predetermined threshold level in a rearward direction onto said tip ends of said bristles and (ii) transferred to said head part, said catch means will release said head part to flop freely in various orientations different from said first orientation.

Claim 40 (new): A method of reducing the risk of damaging tooth enamel and/or gums from brushing of a person's teeth with a toothbrush, comprising:

a- providing a motorless toothbrush including a handle part having proximal and distal ends and a longitudinal axis therebetween, and a head part having proximal and distal ends, a longitudinal axis therebetween and a set of bristles at said distal end and extending generally transversely of the longitudinal axis of said head part, said bristles having exposed tip ends extending in a frontward direction,

b- providing a hinge connecting said distal end of said handle part to

said proximal end of said head part, with said head part connected to said handle part only by said hinge,

said head part having a first orientation with respect to said handle part for toothbrush to be use as a normal toothbrush with said bristles extending generally transversely of the longitudinal axis of said head part, and a second orientation angled rearward from said first orientation,

c- forming said hinge as a bi-stable spring element having first and second conditions causing said head part to flip between said first and second orientations respectively, and

d- configuring said bi-stable spring element to urge said head part to move to and remain in one or the other of said two orientations, said bi-stable spring element flipping from said first condition to said second condition upon application of a force (i) exceeding a predetermined threshold level in a rearward direction onto said tip ends of said bristles and (ii) transferred to said head part, at which time said head part is biased by spring means to flip to and remain in said second orientation.

## **REMARKS**

### Brief Discussion of Claims:

The subject invention as presented in the pending claims defined a toothbrush in product Claims 7, 8, 25 and 31-37 and methods of reducing risk of damage to teeth and gums in Claims 38 and 40 and a method of teaching how to avoid applying unsafe pressure to teeth and gums in Claim 39.

Independent product Claim 31 defines a motorless toothbrush where the head part is releasably restrained in a first orientation by a catch means in or on the hinge, which head part when released can freely flop in various orientations other than said first orientation. When the toothbrush has its head part in a freely flopping mode, it is deemed inoperative for use as a toothbrush.

In Claim 32 the released head can be manually returned to its first orientation, where the catch means restrains the head part in the first orientation for normal use.

In Claim 33 the hinge/catch means comprises a spring-biased detent.

In Claim 34 the head part is coupled to the handle part only by the hinge.

Independent product claim 35 defines a motorless toothbrush where the head part is coupled to the handle part only by the hinge, and the hinge comprises a bi-stable spring element.

In Claim 36 the released head part will be oriented at least 10° rearward from its first orientation.

In Claim 37 the bi-stable spring would flip and return the released head part from its second orientation forward to its first orientation.

In Claims 38-40 there are defined methods using a toothbrush generally as defined in Claim 31.

B. Discussion of the Rejections

The rejection of claims 28-30 under 35 U.S.C. 102(b) as being anticipated by Hukuba and the rejection of claims 1-10, 14-18, 25 and 27 under 35 U.S.C. 103(a) as being obvious over Hukuba are noted. The rejected claims have been amended in part and are now replaced by new claims 31-40 and amended claims 7, 8 and 25.

It is respectfully submitted that all of the now-pending claims are patentably distinguishable over Hukuba.

The chart below demonstrates certain of the differences and distinctions between representative pending claims and the Hukuba disclosure.

Claim 31	Hukuba
- motorless toothbrush	- electric motor driven toothbrush
- head part, upon release from first orientation, can flop freely	- head part is always coupled to the motor and can never flop freely



Claim 35	Hukuba
- motorless toothbrush	- electric motor driven toothbrush
- head part connected to handle part only via hinge	- head part is coupled to both the handle part and to the motor

Furthermore, as discussed in the prior responsive amendment dated May 7, 2004, the remarks and arguments of which are being incorporated by reference into the present response, Hukuba teaches merely that the stroke of the head will be reduced as a result of excess force on the bristles. However, the toothbrush in Hukuba, when it experiences excess force, continues to be operable and in fact becomes more dangerous, because it is now operating while there is greater force of the bristles on the teeth and gums.

In contrast, the present invention renders the toothbrush inoperative when excessive force is applied, by causing the head to move or flop or snap into a non-usable orientation. While the new toothbrush is inoperative, further pressure or scraping damage to the teeth and gums is not possible. In certain embodiments the head can be returned to its operative orientation and re-used unless and until excessive force is applied.

In view of the structural differences and objects and results, the present invention is totally different from Hukuba. The structure in Hukuba cannot satisfy or anticipate any of the pending claims under 35 U.S.C. 102, and also these claims cannot be obvious under 35 U.S.C. 103 from Hukuba, since no structure, operation, object or result in Hukuba is similar or even related to the present invention.

The remarks of the Examiner in the outstanding office action have been studied. It is believed that the issues raised are not applicable to the newly amended claims which now define more specific structure of the present

Appl. No. 09/583,626  
Amdt. dated December 30, 2004  
Reply to Office Action of July 30, 2004

invention.

As a final point, it is respectfully submitted that the Examiner's suggestion that Hukuba is at times disabled or inoperative, is not correct. It is applicant's understanding that Hukuba is never disabled or inoperative; it merely changes from fully operative in one mode (full stroke) to fully operative in another mode (reduced stroke).

In view of the above amendments and distinctions, it is believed that all the pending claims are in condition for allowance. Accordingly, reconsideration and favorable actions are respectfully requested.

Respectfully submitted,

ABELMAN, FRAYNE & SCHWAB  
150 East 42<sup>nd</sup> Street  
New York, NY 10017-5612

Dated: ~~December 30, 2004~~

*June 14, 2005*

By: 

J. David Dainow  
Registration No. 22,959  
(tel.) 212-949-9022  
(e-mail) [jdainow@lawabel.com](mailto:jdainow@lawabel.com)

## **APPENDIX**

### Listing of Claims showing Amendments:

Claims 1-6 (cancel)

Claim 7 (currently amended): A toothbrush according to claim (1) 31 wherein said predetermined threshold level of force in the range of about two to twelve ounces.

Claim 8 (original): A toothbrush according to claim 7 wherein said predetermined threshold level of force is about six ounces.

Claim 9 (cancel)

Claim 10 (withdrawn): A toothbrush according to claim 9 wherein said hinge further comprises at least one connecting element coupling said handle and said head.

Claim 11 (withdrawn): A toothbrush according to claim 9 wherein said spring element is a bi-stable spring having a separate first and second positions corresponding respectively to said first and second orientations of said head with respect to said handle, said bi-stable spring, when said force exceeding said threshold is applied to said head, snaps said head to said second orientation and maintains said head at said second orientation until said head is manually pushed forward until said spring snaps said head back to said first orientation.

Claim 12 (withdrawn): A toothbrush according to claim 9 11 wherein said threshold level of force is substantially the same for causing said bi-stable spring to snap from its first position to its second position and for causing said bi-stable spring to snap from its second position to its first position.

Claim 13 (withdrawn): A toothbrush according to claim 1 wherein said handle and head comprise a single continuous molded product.

Claims 14-18 (cancel)

Claim 19 (withdrawn): A toothbrush according to claim 9 wherein said hinge comprises a pre-stressed bi-stable spring having two alternative shapes, said spring in its prestressed state being generally stiff and tending to stay in

such state until a force exceeding a predetermined threshold level is applied to said spring which causes it to snap to its other shape, said spring coupled to said head and to said handle, whereby said head automatically pivots to its second orientation when a force exceeding said threshold level force is applied thereto.

Claim 20 (withdrawn): A toothbrush according to claim 19 wherein said head automatically returns to its first orientation when a force exceeding said threshold force is applied to said head in said first direction.

Claim 21 (withdrawn): A toothbrush according to claim 20 wherein said handle has a central longitudinal axis, and said bi-stable spring comprises a central strip generally parallel to said handle axis and two tension strips adjacent and generally parallel to said central strip, said central strip being resilient and in compression and having a bow configuration.

Claim 22 (withdrawn): A toothbrush according to claim 20 wherein each of said tension strips is bendable in the general area of their connection to said head.

Claim 23 (withdrawn): A toothbrush according to claim 19 wherein said hinge comprises a bi-stable spring formed as an elongated resilient dish-shaped element having a generally concave configuration and a pair of tension strips adjacent and generally parallel to said spring element, said spring element being in compression with its distal end rigidly extending from said head.

Claim 24 (withdrawn): A toothbrush according to claim 23 wherein each of said tension strips is bendable in the general area of its connection to said head.

Claim 25 (currently amended): A toothbrush according to claim [1] 31 wherein said hinge comprises a yoke at said distal end of said handle, a tongue at said proximal end of said head, a pivot axis extending through said yoke and tongue, whereby said head is movable between two angular positions, said hinge further comprising restraining means releasably restraining said tongue in at least one of said positions relative to said yoke.

Claim 26 (withdrawn): A toothbrush comprising a handle, a head with bristles and a neck interconnecting said handle and said head in a

predetermined first angular relationship, said head being bendable relative to said handle about a bend axis in said neck, said neck having a predetermined stiffness wherein said neck resists bending of said head relative to said handle, said neck being bendable about said bend axis to a second angular relationship different from said first angular relationship and back again when a force is applied to said head that overcomes said stiffness of said neck.

Claims 27-30 (cancel)

Claim 31 (new): A motorless toothbrush comprising:

a- a handle part having proximal and distal ends and a longitudinal axis therebetween,

b- a head part having proximal and distal ends, a longitudinal axis therebetween and a set of bristles at said distal end, said bristles having exposed tip ends extending in a frontward direction,

c- a hinge connecting said distal end of said handle part to said proximal end of said head part,

said head part having a first orientation with respect to said handle part for toothbrush to be used in a normal state with said bristles extending generally transversely of the longitudinal axis of said head part,

said hinge including catch means for releasably holding said head part in said first orientation,

said catch means adapted to release said head part on application of a force exceeding a predetermined threshold level in a rearward direction onto said tip ends of said bristles and transferred to said head part, at which time said released head part can flop freely in various orientations different from said first orientation.

Claim 32 (new). A toothbrush according to claim 31 wherein said released head part is manually movable back to said first orientation, at which time said catch means will automatically engage and releasably hold said head part in said first orientation.

Claim 33 (new). A toothbrush according to claim 32 wherein said catch

means comprises a spring-baised detent on one of said handle and head parts and a recess into which said spring-baised detent extends in the other of said handle and head parts.

Claim 34. (new) A toothbrush according to Claim 31 wherein said head part is connected to said handle part only by said hinge.

Claim 35 (new): A motorless toothbrush comprising:

a- a handle part having proximal and distal ends and a longitudinal axis therebetween,

b- a head part having proximal and distal ends, a longitudinal axis therebetween and a set of bristles at said distal end, said bristles having exposed tip ends extending in a frontward direction,

c- a hinge connecting said distal end of said handle part to said proximal end of said head part, with said head part connected to said handle part only by said hinge,

said head part having a first orientation with respect to said handle part for use as a normal toothbrush with said bristles extending generally transversely of the longitudinal axis of said head part, and a second orientation angled rearward from said first orientation,

said hinge comprising a bi-stable spring element having first and second conditions causing said head part to flip between said first and second orientations respectively;

said bi-stable spring element adapted to urge said head part to move to and remain in one or the other of said two orientations, said bi-stable spring element flipping from said first condition to said second condition upon application of a force (i) exceeding a predetermined threshold level in a rearward direction onto said tip ends of said bristles and (ii) transferred to said head part, at which time said head part is biased by spring means to flip to and remain in said second orientation.

Claim 36. (new) A toothbrush according to Claim 35 where said second orientation is angled at least 10 degrees rearward from said first orientation.

Claim 37. (new) A toothbrush according to Claim 35 wherein said head part is manually movable from said second orientation, upon application of a force exceeding a predetermined threshold level to said head part in said forward direction to said first orientation, at which time said head part would be biased by said spring element to flip to and remain in said first orientation.

Claim 38 (new): A method of reducing the risk of damaging tooth enamel and/or gums from brushing of a person's teeth with a toothbrush, comprising:

a- providing a motorless toothbrush including a handle part having proximal and distal ends and a longitudinal axis therebetween, and a head part having proximal and distal ends, a longitudinal axis therebetween and a set of bristles at said distal end and extending generally transversely of the longitudinal axis of said head part, said bristles having exposed tip ends extending in a frontward direction,

b- providing a hinge connecting said distal end of said handle part to said proximal end of said head part,

said head part having a first orientation with respect to said handle part for said toothbrush to be used in a normal state with said bristles extending generally transversely of the longitudinal axis of said head part,

c- providing on said hinge a catch means for releasably holding said head part in said first orientation, and

d- configuring said hinge such that upon application of a force (i) exceeding a predetermined threshold level in a rearward direction onto said tip ends of said bristles and (ii) transferred to said head part, said catch means will release said head part to flop freely in various orientations different from said first orientation.

Claim 39 (new): A method of teaching a person how to avoid applying pressure of an unsafe magnitude to teeth and/or gums while brushing his/her teeth with a toothbrush, comprising:

a- providing a motorless toothbrush including a handle part having proximal and distal ends and a longitudinal axis therebetween, and a head part

having proximal and distal ends, a longitudinal axis therebetween and a set of bristles at said distal end and extending generally transversely of the longitudinal axis of said head part, said bristles having exposed tip ends extending in a frontward direction,

b- providing a hinge connecting said distal end of said handle part to said proximal end of said head part,

said head part having a first orientation with respect to said handle part for toothbrush to be used in a normal state with said bristles extending generally transversely of the longitudinal axis of said head part,

c- providing on said hinge a catch means for releasably holding said head part in said first orientation, and

d- configuring said hinge such that upon application of a force (i) exceeding a predetermined threshold level in a rearward direction onto said tip ends of said bristles and (ii) transferred to said head part, said catch means will release said head part to flop freely in various orientations different from said first orientation.

Claim 40 (new): A method of reducing the risk of damaging tooth enamel and/or gums from brushing of a person's teeth with a toothbrush, comprising:

a- providing a motorless toothbrush including a handle part having proximal and distal ends and a longitudinal axis therebetween, and a head part having proximal and distal ends, a longitudinal axis therebetween and a set of bristles at said distal end and extending generally transversely of the longitudinal axis of said head part, said bristles having exposed tip ends extending in a frontward direction,

b- providing a hinge connecting said distal end of said handle part to said proximal end of said head part, with said head part connected to said handle part only by said hinge,

said head part having a first orientation with respect to said handle part for toothbrush to be use as a normal toothbrush with said bristles extending generally transversely of the longitudinal axis of said head part, and a second



orientation angled rearward from said first orientation,

e- forming said hinge as a bi-stable spring element having first and second conditions causing said head part to flip between said first and second orientations respectively, and

f- configuring said bi-stable spring element to urge said head part to move to and remain in one or the other of said two orientations, said bi-stable spring element flipping from said first condition to said second condition upon application of a force (i) exceeding a predetermined threshold level in a rearward direction onto said tip ends of said bristles and (ii) transferred to said head part, at which time said head part is biased by spring means to flip to and remain in said second orientation.

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**